

REMARKS

By this Amendment, claims 1, 3 and 4 have been amended. Claim 12 has been withdrawn. Claim 15 has been added. Support for the Amendment may be found throughout the as-filed Specification. No new matter has been added. Accordingly, claims 1, 3, 4 and 15 are pending for examination.

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

Rejections under 35 U.S.C. § 112

In the pending Office Action, the Examiner rejected claims 1, 3 and 4, under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner rejected claims 1, 3 and 4 because the claims allegedly contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicants respectfully disagree with the Examiner's allegation. However, solely in an effort to expedite the successful examination of the present application, Applicants have amended claims 1, 3 and 4. The amended claim 1 recites, *inter alia*, an LED provided at the fuel cell unit and powered by a power source module provided in the fuel cell unit, the power source module including the fuel cell.

As such, the subject matter of this invention is amply described in the written description. (See, e.g., Original Specification: Page 7, line 4 through page 12, line 11; FIG. 4). In particular, the written description provides that:

Furthermore, the microcomputer 21, which also functions as a power supply controller in the fuel cell unit 21, performs control so as to supply the power of the internal secondary cell 23 to the DMFC 22 at the activation of the DMFC 22. When the DMFC 22 can supply power and the internal secondary cell 23 is in the

low battery state, the microcomputer 21 performs control so as to charge the internal secondary cell 23 with the power of the DMFC 22. (Original Specification: Page 7, lines 19-27).

As shown FIG. 4, the fuel cell unit 2 has a microcomputer 21, a DMFC 22, an internal secondary cell 23, a charging circuit 24, an acceleration sensor 25, an E2PROM 26, and LEDs 27a, 27b. (Original Specification: Page 7, lines 4-9; and FIG. 4).

On the other hand, the fuel cell unit 2 displays the present operating state by use of the LEDs 27a, 27b independently of the electronic apparatus 1. (Original Specification: Page 12, lines 3-5; and FIG. 4).

(Emphasis added)

With this said, it should be appreciated that the fuel cell unit is provided the LEDs 27a and 27b as well as a power source module such as DMFC 22 and the secondary cell 23. It should further be appreciated that artisans of ordinary skill will readily understand how the LEDs 27a and 27b are powered by use of the DMFC 22 or the secondary cell 23.

For at least these reasons, Applicant submits that claims 1, 3 and 4 of the present invention were sufficiently described in the specification at the time the application was filed. Accordingly, the immediate withdrawal of the written description rejection under §112 is respectfully requested.

Rejections under 35 U.S.C. § 102(b) & 103(a)

In the pending Office Action, the Examiner rejected claims 1 and 3, under 35 U.S.C. §102(b), as allegedly being anticipated by U.S. Pub. No. 2001/0052433 (Harris); and rejected claim 4, under 35 U.S.C. §103(a), as allegedly being unpatentable over Harris in view of U.S. Pub. No. 2004/0170876 (Ozeki).

Applicants submit that none of the asserted references teaches or suggests each and every element of claim 1, including, *inter alia*, an LED provided at the fuel cell unit and powered by a power source module provided in the fuel cell unit, the power source module including the fuel cell, a connection detecting module configured to detect a presence or absence of a connection with an electronic apparatus operable using electric power supplied from the fuel cell, and a

control module configured to notify a user of the abnormal state, by using the LED, when the sensing module has sensed the abnormal state and the connection detecting module has detected a connection with the electronic apparatus.

In the outstanding Office Action, the Examiner alleges that the cited portions of Harris teach that a display control unit (i.e., operator display and interface 10) “also is a connection detecting unit as claimed by applicant because the display unit will not display unless the same is connected to the electronic apparatus.” (Office Action, page 4). However, Applicants submit that the operator display and interface 10 in Harris is not identical nor analogous to *a connection detecting module configured to detect a presence or absence of a connection with an electronic apparatus operable using electric power supplied from the fuel cell*, as recited in claim 1. For example, Harris teaches that a hybrid power supply module 15 is configured for supplying electrical power to an electric powered vehicle such as forklift, not to the operator display and interface 10 (Harris, ¶ [0002]; Abstract). Nevertheless, there is no mention in Harris that the operator display and interface 10 detects a presence or absence of a connection with such an electric powered vehicle. Accordingly, the operator display and interface 10 in Harris does not *detect a presence or absence of a connection with an electronic apparatus* as recited in claim 1.

Assuming *arguendo* that the operator display and interface 10 can be regarded as *electronic apparatus* in claim 1 (which Applicants do not concede), Applicants submit that Harris still fails to teach or suggest at least *an LED provided at the fuel cell unit, a connection detecting module and a display control module* of claim 1. In particular, Applicants point out that the operator display and interface 10 in Harris incorporates LEDs to convey sensed fuel cell status. (Harris, ¶ [0040]). Thus, LEDs in Harris are not provided at a fuel cell unit but at the operator display and interface 10 (i.e., an electronic apparatus). Accordingly, Harris clearly fails to teach or suggest *an LED provided at the fuel cell unit* as recited in claim 1.

Moreover, Applicants point out that when connection with the hybrid power supply module 15 is not established, the operator display and interface 10 can not operate. (Harris, ¶ [0040]). By contrast, *an LED and a connection detecting module* of this invention are comprised in the fuel cell unit, thereby operating even when connection with electronic apparatus is not

established. In view of this, Harris fails to teach or suggest *an LED and a connection detecting module* as recited in claim 1.

Furthermore, while the Examiner states that, as noted above, the operator display and interface 10 "also is a connection detecting unit as claimed by applicant because the display unit will not display unless the same is connected to the electronic apparatus", Applicants submit that, even on this hypothetical assumption that the operator display and interface 10 is regarded as *electronic apparatus*, Harris still fails to teach or suggest *a control module* configured to notify a user of the abnormal state, by using the LED, when the sensing module has sensed the abnormal state *and* the connection detecting module has detected a connection with the electronic apparatus, as recited in claim 1. For example, Applicants point out that Harris discloses that when the display control unit 10 is not connected to the hybrid power supply module 15, electric power supply from the hybrid power supply module 15 to the display control unit 10 will be cut off. (Harris, ¶ (0040)). In this way, the display control unit 10 will become inoperable. Thus, Harris fails to disclose that the presence or absence of the connection with the hybrid power supply module 15 is detected to control display or non-display as recited in claim 1.

For at least these reasons, Applicant submit that the cited portions of Harris do not teach or suggest at least *a connection detecting module, a control module and an LCD provided at the fuel cell unit*, as recited in claim 1.

Applicants submit that the remaining applied reference, Ozeki, fails to cure the deficiencies of Harris noted above and fails in its own right of teaching each and every element of claim 1. Thus, for at least these reasons, Applicants submit none of the asserted references, whether taken alone or in combination, teach or suggest each and every element of claim 1. As such, claim 1 is neither anticipated nor rendered obvious by the applied references and is, therefore, clearly patentable. Moreover, because claims 3, 4 and 15 depend from claim 1, claims 3, 4 and 15 are patentable at least by virtue of dependency as well as for their additional recitations.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975.

The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully Submitted,

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